

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SBJ HOLDINGS 1, LLC,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:07-cv-120-TJW
v.	§	
	§	
NETFLIX, INC., AMAZON.COM, INC.,	§	
BARNESANDNOBLE.COM, LLC, and	§	
BORDERS GROUP, INC.,	§	<u>JURY TRIAL DEMANDED</u>
	§	
Defendants.	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

COMES NOW SBJ Holdings 1, LLC, and files this its Original Complaint for patent infringement against Netflix, Inc., Amazon.com, Inc., Barnesandnoble.com, LLC, and Borders Group, Inc. and would show the Court as follows:

I.
PARTIES

1. Plaintiff SBJ Holdings 1, LLC (“SBJ”) is a Texas limited liability company with its principal place of business at 3701 Turtle Creek Blvd., Suite 126, Dallas, TX 75219.

2. Defendant Netflix, Inc. (“Netflix”) is a Delaware corporation with its principal place of business at 100 Winchester Circle, Los Gatos, CA 95032.

3. Defendant Amazon.com, Inc. (“Amazon”) is a Delaware corporation with its principal place of business at 1200 12th Avenue South, Suite 1200, Seattle, WA 98144.

4. Defendant Barnesandnoble.com, LLC (“Barnesandnoble”) is a Delaware limited liability company with its principal place of business at 76 Ninth Ave., 9th Floor, New York, NY 10011.

5. Defendant Borders Group, Inc. (“Borders”) is a Michigan corporation with its principal place of business at 100 Phoenix Drive, Ann Arbor, MI 48108.

II. JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent and Trademark Act, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over the Defendants. Each of the Defendants has conducted and do conduct business within the State of Texas and in this district. Furthermore, on information and belief, Defendants directly or through intermediaries (including distributors, dealers, resellers, and others) ship, distribute, offer for sale, sell and advertise their products and/or services in the State of Texas, including in this district. Upon information and belief, Defendants have committed the tort of patent infringement within the State of Texas and this district.

8. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(b).

III. THE SBJ PATENT

9. On December 11, 2001, United States Patent No. 6,330,592 B1 (the “592 Patent”), entitled “Method, Memory, Product, and Code for Displaying Pre-Customized Content Associated with Visitor Data” was duly and legally issued by the United States Patent and Trademark Office (the “USPTO”) to Michael K. Makuch and Neil Webber

who assigned their rights in the ‘592 Patent to Vignette Corporation (“Vignette”). On January 18, 2007, SBJ acquired the ‘592 Patent from Vignette. SBJ is the owner of the entire right, title and interest in and to the ‘592 Patent. A true and correct copy of the ‘592 Patent is attached hereto as Exhibit A.

IV.
FIRST CLAIM FOR RELIEF

(PATENT INFRINGEMENT OF THE ‘592 PATENT)
(35 U.S.C. § 271)

10. SBJ incorporates the allegations set forth above in paragraphs 1 through 9.

11. Defendants have infringed and continue to infringe, have induced and continue to induce others to infringe, and/or have committed and continue to commit acts of contributory infringement of one or more claims of the ‘592 Patent by importing, making, using, selling and/or offering for sale in the United States and this District products and/or services that embody the inventions of the ‘592 Patent. Such infringing activities violate 35 U.S.C. § 271.

12. As a consequence of Defendants’ infringement of the ‘592 Patent, SBJ has suffered monetary damages in an amount not yet determined, and SBJ will continue to suffer harm (including irreparable harm) in the future unless and until Defendants’ infringing activities are enjoined by this Court.

13. SBJ alleges that Defendants’ infringement has been and continues to be intentional and willful.

WHEREFORE, SBJ prays for judgment as set forth below.

V.
PRAYER FOR RELIEF

1. That Defendants be declared to have infringed, induced others to infringe and/or committed acts of contributory infringement with respect to the claims of the '592 Patent as alleged above;

2. that Defendants and their respective officers, agents, servants, employees, and attorneys, and all those persons acting in concert or participation with Defendants or acting on their behalf, be immediately, preliminarily and permanently enjoined and restrained from infringement of the '592 Patent;

3. that Defendants be ordered to account for and pay to SBJ all damages caused to SBJ by reason of each of their infringement of the '592 Patent pursuant to 35 U.S.C. § 284, including trebled damages;

4. that SBJ be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendants' infringement of the '592 Patent;

5. that this be declared an "exceptional case" pursuant to 35 U.S.C. § 285 and that Defendants be ordered to pay SBJ's attorney fees and costs; and

6. that the Court grant such other and further relief as the Court deems just and proper under the circumstances.

VI.
DEMAND FOR JURY TRIAL

SBJ demands trial by jury for all claims for relief herein pursuant to Federal Rule of Civil Procedure 38.

Respectfully submitted,

Dated: April 9, 2007

By: 

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